



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 716-00
21 April 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: EX [REDACTED] USMC [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 11 Jan 00 w/attachments
(2) HQMC MMSR-5J memo dtd 5 Apr 00
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by awarding him additional reserve retirement points for his anniversary year 22 May 1979 to 21 May 1980.

2. The Board, consisting of Messrs. Frankfurt and Tew and Ms. Moidel, reviewed Petitioner's allegations of error and injustice on 20 April 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the HQMC office having cognizance over the subject matter of Petitioner's request has commented to the effect that this request has merit and warrants favorable action. They recommended that he be awarded the minimum inactive duty training points necessary for a satisfactory year of federal service for purposes of eligibility for retired pay. As he now has only the 15 points automatically awarded for the year in question, and 50 points are required for a satisfactory year, the advisory opinion impliedly recommended that Petitioner be awarded an additional 35 points.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's record be corrected by awarding him 35 non-pay inactive duty training points for his anniversary year 22 May 1979 to 21 May 1980, making that year a satisfactory year of federal service for purposes of eligibility for retired pay.

b. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


Executive Director

716-00



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1001
MMSR-5J
05 APR 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF CAPTAIN [REDACTED]
[REDACTED] KSARNG, A FORMER MEMBER OF THE U.S. MARINE
CORPS RESERVE

Ref: (a) Chairman, BCNR ltr WDP:dlk Docket Number 716-00
of 14 February 2000

1. We have been asked in the reference to provide an advisory opinion on Captain [REDACTED] request that he be credited retirement points for his USMCR service from 22 May 1979 to 21 May 1980.
2. Captain [REDACTED] Official Military Personnel File (OMPF) does not show a qualifying year in the Marine Corps Reserve for this period. Further research though indicates Captain [REDACTED] promotion history, rifle range qualification and awarding of the Selected Marine Corps Reserve (SMCR) Medal are indicative of a Marine who performed his requisite service.
3. We recommend Captain [REDACTED] awarded the minimum Inactive Duty Training (IDT) points necessary for a satisfactory year of federal service for the period 22 May 1979 to 21 May 1980.

[REDACTED]

Head, Separation
and Retirement Branch
By direction of the
Commandant of the Marine Corps